



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,962	08/08/2000	Hugo Olliphant	10501-003-999	4197

8668 7590 11/28/2003

PHILIP M. KOLEHMAINEN
GREER, BURNS & CRAIN, LTD.
SUITE 2500, 300 SOUTH WACKER DRIVE
CHICAGO, IL 60606

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/633,962

Applicant(s)

OLLIPHANT, HUGO

Examin r

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears n the cover sheet with the correspondenc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Office Action is the answer to the communication filed on September 2, 2003, which paper has been placed of record in the file.
2. Claims 1-20 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-20 have been considered but are not persuasive.

In the arguments regarding to claim 1, applicant stated that Wallman discloses neither the method of managing group finances via an electronic network nor the steps of receiving transaction details from a member of group, assigning transaction details to group, allocating a payment specified by transaction details among group members of group. Examiner respectfully disagrees. Wallman discloses a method that permits a plurality of investors to invest in a mutual fund, thus this mutual fund is a "group finances" because it reflects the aggregated contribution of a plurality of investors (column 6, lines 5-15, column 3, lines 33-36, column 7, lines 35-55). Moreover, Wallman does teach the steps of: receiving transaction details from a member of group see column 8, lines 31-41 and figure 2a, the system receives an order to buy stock from investors 7-10, each order includes name of the stock and amount (transaction details); assigning transaction details to group, see figure 2b, the orders received from investors 7-10 are contributed to a group of prior investor 1-6; allocating a payment specified by transaction details among group members of group, see figure 2b, the payment

Art Unit: 3628

specified in each investor's order is contributed to the fund, column 6, line 22 through column 7, line 62, determining the ownership share for each investors making contributions. Therefore, Wallman teaches all steps claimed in claim 1. Moreover, applicant's arguments focus on applicant's specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993) (Claims to a superconducting magnet which generates a "uniform magnetic field" were not limited to the degree of magnetic field uniformity required for Nuclear Magnetic Resonance (NMR) imaging. Although the specification disclosed that the claimed magnet may be used in an NMR apparatus, the claims were not so limited.); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571-72, 7 USPQ2d 1057, 1064-1065 (Fed. Cir.), cert. denied, 488 U.S. 892 (1988) (Various limitations on which appellant relied were not stated in the claims; the specification did not provide evidence indicating these limitations must be read into the claims to give meaning to the disputed terms.); Ex parte McCullough, 7 USPQ2d 1889, 1891 (Bd. Pat. App. & Inter. 1987) (Claimed electrode was rejected as obvious despite assertions that electrode functions differently than would be expected when used in nonaqueous battery since "although the demonstrated results may be germane to the patentability of a battery containing appellant's electrode, they are not germane to the patentability of the invention claimed on appeal.").

In conclusion, for the reasons above, examiner decides to maintain the previous rejections (also see details below) and make this office action FINAL.

Art Unit: 3628

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-13, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallman, U.S. Patent No. 6,338,047.

Regarding to claim 1, Wallman discloses a method of managing group finances via an electronic network, comprising the steps of:

receiving transaction details from a member of group via an electronic network (column 8, lines 31-41 and figure 2a);

assigning transaction details to group (figure 2b);

allocating a payment specified by transaction details among group members of group (column 6, line 22-column 7, line 62).

Regarding to claim 2, Wallman discloses repeating receiving, assigning, and allocating steps for a plurality of transactions (column 9, lines 49-62).

Regarding to claim 3, Wallman discloses balancing finances of group (figure 2b).

Regarding to claim 5, Wallman discloses receiving step comprises acquiring transaction details which include a shared expense containing an expense amount and at least one group member responsible for expense (column 7, lines 35-62).

Regarding to claim 6, Wallman discloses receiving step comprises acquiring transaction details which include remuneration details from a group member (column 7, lines 1-34).

Regarding to claim 7, Wallman discloses receiving step comprises acquiring allocation details dividing financial obligations of group among group members (column 6, lines 47-67).

Regarding to claim 8, Wallman discloses the initial step of establishing a group fund for a plurality of group members (column 9, lines 28-40).

Regarding to claim 9, Wallman discloses establishing step comprises the steps of: acquiring group fund details (column 10, lines 1-33, figures 2a, 2b); and storing group fund details in a group fun database (column 19, lines 25-33).

Regarding to claim 10, Wallman discloses allocating step includes the steps of: debiting group fund with an expense specified in transaction details; and allotting expense among group members in a manner specified in transaction details (column 11, lines 15-25).

Regarding to claim 11, Wallman discloses allocating step includes the steps of: crediting group fund with remuneration specified in transaction details; and allotting remuneration among group members in a manner specified in transaction details (figures 2a, 2b).

Regarding to claim 12, Wallman discloses settling group fund via electronic network (column 8, lines 31-41).

Regarding to claim 13, Wallman discloses settling step comprises the step of accepting electronic deposits into group fund (column 9, lines 5-15).

Regarding to claim 18, Wallman discloses receiving step includes the step of receiving transaction details from a form appearing in a web page (column 8, lines 34-35).

Regarding to claim 19, Wallman discloses allocating step further includes the step of generating a web page interface with a form reporting allocated expenses (column 9, lines 10-27).

Regarding to claim 20, Wallman discloses receiving step includes acquiring an authorization of payment from group members (column 10, lines 34-45).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman, U.S. Patent No. 6,338,047.

Regarding to claim 4, Wallman does not discloses balancing step includes the steps of: rounding up an original expense value to a new expense value having a predefined number of decimal places; and distributing a difference between new expense value and original expense value to a third party. However, it is well known to round up a money amount and distributing a decimal amount to a third party such as a charity. Therefore, it would have been obvious to modify Wallman's to include the feature above for the purpose of not only easily calculating the balance but also contributing to a charity.

Regarding to claims 14, 15, Wallman does not directly teach accepting step comprises collecting a credit card or an electronic check deposit electronic deposit into group fund. However, Wallman discloses an electronic funds transfer allows the user to transfer cash to the group fund (see column 9, lines 9-12). However, electronic funds transfer using credit card or electronic check is well known in the art. Therefore, it would have been obvious to modify Wallman's to include the feature above for the purpose of time consuming because collecting funds using credit card or electronic check is faster then a paper check or money order sent by mail.

Regarding to claim 16, Wallman does not teach settling step comprises the step of transferring funds from group fund to a financial institution account of a group member. However, transferring funds from group fund to a financial institution account of a group member is well known in the art, for example automatically deposit, directly deposit funds into member bank account. Therefore, it would have been obvious to modify Wallman's to include the feature above for the purpose of time consuming.

Regarding to claim 17, Wallman does not disclose emailing group members to notify them of their outstanding balance in group fund. However, notifying the members using email is well known in the art. Therefore, it would have been obvious to modify Wallman's to include the feature above for the purpose of providing more convenient to the member, so the member can receive balance information via email.

Conclusion

9. Claims 1-20 are rejected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

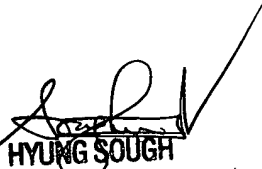
(703) 305-7687 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen
November 25, 2003


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600